STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

OFFENCES AGAINST DISCIPLINE

[[F1]Determination of mode of inquiry in a coronavirus period

53B.—(1) This rule applies during a coronavirus period.

(2) Where a charge has been referred to an adjudicator under rule 53A or rule 60(3)(b) and the Senior District Judge (Chief Magistrate) considers that because of the effects of coronavirus it is not reasonably practicable for the charge to be—

(a) first inquired into by an adjudicator in accordance with rule 53(3)(b) or rule 53A(3); or

(b) continued to be inquired into by an adjudicator,

the Senior District Judge (Chief Magistrate) may refer the charge back to the governor as soon as possible for the governor to inquire into it.

(3) A charge referred back to the governor under paragraph (2) shall be first inquired into by the governor not later, save in exceptional circumstances, than 14 days after the Senior District Judge (Chief Magistrate) referred the charge back.

(4) A charge inquired into by the governor under paragraph (2) is not to be treated as one being inquired into by an adjudicator, and accordingly the governor cannot impose a punishment under rule 55A (adjudicator's punishments).

(5) This rule applies to a prisoner who has been charged with having committed an offence against discipline and referred to an adjudicator under rule 53A or 60(3)(b) before the date on which the rule came into force in the same way as it applies to a prisoner who has been charged with having committed an offence against discipline on or after that date.**]**

Textual Amendments

F1 Rule 53B inserted (temp.) (15.5.2020) by virtue of The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 (S.I. 2020/508), rule 1(1), **Sch. 1 para. 11** (with rule 1(3))

Changes to legislation:
There are currently no known outstanding effects for the The Prison Rules 1999, Section 53B.